IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7368 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KESHAVLAL KHODIDAS PATEL
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 7368 of 1999
MR MD VAKIL for Petitioner No. 1-1/5
MR AJ DESAI, AGP. for Respondent No. 1-3

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE D.A.MEHTA

Date of decision: 10/03/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1 By this Special Civil Application under Article

227 of the Constitution of India, the petitioners pray for direction to the respondents requiring the respondents to issue award under Section 11 of the Land Acquisition Act within reasonable time by fixing the final compensation of the acquired land by complying with other relevant provisions of the Act.

2 The petitioners land bearing survey no.191 situated at village Gota, Taluka City District Ahmedabad came to be acquired between 1971-72 to 1998-99 by notification under Section 4(1) of the Act; that the notification under section 6 also came to be issued in respect of the said land. That the petitioners have been so far prayed advance compensation at the rate of Rs.70/per sq.mtr. It is the say of the petitioners that though the respondents started acquiring land during the year 1971-72 to 1998-99, the award under section 11 of the Act is so far not declared by the respondent particularly respondent no.3. The prayer in the petition is requiring the respondents to declare the award under Section 11 of the Act in respect of the land which came to be acquired and for which advance compensation at the rate of Rs.70/- per sq.mt. has been paid.

3 Since, the land has been taken in acquisition in pursuance of the proceedings under the Act and the respondents having paid advance compensation @ Rs.70/per sq.mtr. in respect of the land of the petitioners which came to be acquired it would be necessary that the respondents declare the award under Section 11 of the Act fixing the compensation payable to the petitioners in respect of the land in acquisition, the respondents are duty bound under the Act to declare the award. Under the circumstances, the respondents have failed to discharge their statutory duty by pronouncing the award under Section 11 of the Act.

4 Under the circumstances, the respondents, particularly respondent no.3 is required to be directed to declare the award under Section 11 of the Act within reasonable time which is otherwise also the statutory duty cast on respondent no.3.

5 In the result, the petition is allowed. The respondent, particularly respondent no.3 is directed to declare the award under Section 11 of the Act within four weeks from the date of production of the certified copy of this order by the petitioners to respondent no.3. It is further directed that the respondents shall pay compensation as per the award under Section 11 of the Act within eight weeks from the date of the declaration of

the award under Section 11 of the Act as directed above.

6 Rule made absolute accordingly. There shall be no order as to costs.

(N.G.Nandi, J) (D.A.Mehta, J)

m.m.bhatt